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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/907,238	07/17/2001	Jo Kuster	50001.2112	6634

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ERICSSON INC.  
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PLANO, TX 75024

EXAMINER
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LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/907,238

Applicant(s)

KUSTER ET AL.

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-19 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 1/11/02. These drawings are not acceptable. It appears that Figs. 1-6 are from another application and inconsistent with the present application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-9, 10-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho et al U.S. Patent Number 6,553,227.

Re Claims 1, 8, 15, fig. 6 teaches a mobile registering for service (step 616) and a serving MSC (a first switch of the switch pool to be a handling switch) is selected by the dispatch router (Routing function) wherein upon registration, the BSS 1708 of fig. 17 (a plurality of access nodes) associated with the registering mobile performs queries to VLR and receive responses to establish a call with the destination/target BSS 1718 (a particular target access node) (See col. 13, lines 50- col. 14, lines 1-36 and fig. 7). The serving MSC (the handling switch) functions to direct queries from the associated BSS 1708 and to elicit responses from target BSS 1718. Fig. 12 teaches load balancing for

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the pool of MSCs wherein after the query and responses from the pool of MSCs, MSC loading level is determined for each MSC (steps 1208 and 1210) and a selected mobiles are reassigned to a suitable MSC (assigning a subsequent switch of the switch pool) and the previous serving MSC is de-assigned based on their load (See col. 17, lines 18-62).

Re Claims 2, 9, 17, refer to Claim 2, fig. 12 teaches updating VLRs in serving MSCs for reassigned mobiles (See step 1214), whereby the BSS (querying access nodes) associated MSC are notified of the new serving MSC (a particular switch of the switch pool as a handling switch) wherein the querying interval for the load balancing algorithm is performed every 15 minutes (waiting a time interval) and based on the updating and notifying the a new serving MSC (notifying responding access nodes of the assignment) if needed based on the monitored load of each MSC (See col. 17, lines 10-25).

Re Claims 4, 5, 11, 12, 18, refer to Claim 2, in the load-balancing algorithm of fig. 12, step 1210 monitors for load of each MSC (counting handling switch transactions) and based on the load level, reassigns a new serving MSC (a subsequent switch of the pool of switches) base on the load, step 1212.

Re Claims 6, 13, refer to Claim 2, wherein the monitoring period is repeated every 15 minutes (monitoring the time elapsed since the assignment of the handling switch) to determine if needed a new serving MSC (a subsequent switch).

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Re Claims 7, 14, refer to Claim 1, wherein upon reassignment a new serving MSC and updating of the VLRs, the new serving MSC functions to forwarding of outstanding query responses for the previous serving MSC.

Re Claim 16, refer to Claim 15, wherein the Dispatch MSC includes a database (See fig. 2: 202).

Re Claim 19, refer to Claim 15, wherein the network support GSM (See col. 5, lines 50-60).

***Allowable Subject Matter***

4. Claims 3 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In combination with Claims 1-3 and Claims 8-10, prior art fails to computing the average time interval between a query and corresponding response on the network and using the time greater than or equal to the average time as the waiting time.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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